

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 10, 2013, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Chris Hove and Lynn Sunderman (Jeanelle Lust, Dennis Scheer and Ken Weber absent); Marvin Krout, Steve Henrichsen, Christy Eichorn, Sara Hartzell, Paul Barnes, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius requested a motion approving the minutes for the regular meeting held June 26, 2013. Motion for approval made by ~~Lust~~ Corr, seconded by Hove and carried 5-0: Beecham, Cornelius, Corr, Hove and Sunderman voting 'yes'; Lust, Scheer and Weber absent. (**Corrected on 7/24/13**)

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 10, 2013

Members present: Beecham, Cornelius, Corr, Hove and Sunderman; Lust, Scheer and Weber absent.

The Consent Agenda consisted of the following items: **COUNTY SPECIAL PERMIT NO. 13025, COUNTY SPECIAL PERMIT NO. 13026 and COUNTY SPECIAL PERMIT NO. 13027.**

There were no ex parte communications disclosed.

Sunderman moved approval of the Consent Agenda, seconded by Hove and carried 5-0: Beecham, Cornelius, Corr, Hove and Sunderman voting 'yes'; Lust, Scheer and Weber absent.

Note: This is final action on County Special Permit No. 13025, County Special Permit No. 13026 and County Special Permit No. 13027, unless appealed to the Lancaster County Board of Commissioners by filing a letter of appeal with the County Clerk within 14 days.

CHANGE OF ZONE NO. 13013
FROM H-2 HIGHWAY BUSINESS DISTRICT
TO B-3 COMMERCIAL DISTRICT,
ON PROPERTY GENERALLY LOCATED
AT N. 48TH AND R STREETS (366 N. 48TH STREET)
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 10, 2013

Members present: Corr, Beecham, Hove, Sunderman and Cornelius; Lust, Scheer and Weber absent.

There were no ex parte communications disclosed.

Staff recommendation: Approval.

Staff presentation: **Paul Barnes of Planning staff** explained that this is a request for a change of zone at the intersection of N. 48th Street and R Street, i.e. 366 N. 48th Street. The two-story, 24,000 sq. ft. building was previously used as the Armstrong Furniture Store, and is currently zoned H-2 Highway Business. The parking requirements were reviewed by the Board of Zoning Appeals before the building was constructed in 1963, at which time the Board of Zoning Appeals approved the reduction of required parking spaces from 120 to 40. That approval was in connection and specific to use of the property for a furniture store. So when Armstrong Furniture closed, the reduced parking was no longer applicable unless there is a furniture store at this site.

Barnes stated that later, there was a business located in the lower level occupying 12,000 sq. ft. and able to meet the parking requirements of the district. A seasonal business opened in the upper level but could not meet the parking requirements of H-2, i.e. 1 space per every 300 sq. ft. or a total of 80 parking spaces. In order to meet those requirements for the seasonal business, there was a temporary lease agreement approved for use of parking to the south. That lease expired in November of 2012.

Thus, we are back to the situation of how to encourage business to reuse this existing structure and meet the parking requirements. Therefore, the applicant is requesting a change of zone to B-3, which requires 1 parking space for every 600 sq. ft. of retail area. With the 24,000 sq. ft. building, the total parking required for both the upper and lower levels would be 40 spaces.

Barnes then referred to the draft reFORM document which is currently a work-in-progress in the Planning Department. This section of N. 48th Street and east and west

along O Street are recommended to be designated as corridors by the draft reFORM document. The “corridors” are essentially mixed-use areas in older parts of the city that should be encouraged for redevelopment and infill, adding pedestrian-oriented facilities and more attractive development. The draft reFORM document does recommend that B-3 is appropriate zoning for corridors. This request would be supported by that draft reFORM document.

Barnes also pointed out that typically, the B-3 zoning district is located throughout the community in older retail corridors or centers such as Havelock and College View. The B-3 zoning is appropriate for the smaller retail businesses rather than the larger footprint big box stores.

Barnes advised that this change of zone application is supported by the Comprehensive Plan, which does suggest and recommend reuse of existing commercial buildings and also adjustments to parking requirements or exploring shared parking. Staff is recommending approval.

Hove inquired about the zoning on the property where the old Schaefer’s building is located. Barnes stated that it is H-2.

Cornelius observed that it appears that this potential rezoning creates a narrow strip of H-2 just to the north of the property in question. Is that important? Barnes referred to the exhibit in the staff report. It may be a difference between the parcel line and where the zoning district meets the centerline of the right-of-way. If approved, the B-3 would go to the centerline of the street.

Cornelius wondered whether it is anticipated that as time passes, the rest of this H-2 will evolve in similar direction. Barnes stated that the reFORM effort is still in draft form and is being presented to different groups at this time. It may evolve over the next year or so, but having North 48th designated as a corridor, not only is B-3 stated as appropriate for corridors, but H-2 is also stated as appropriate. There will be a number of recommended zone changes that would take place if reFORM is adopted. In this case, though, most of the H-2 at this location would remain H-2.

Proponents

1. **Peter Katt** appeared on behalf of the owner, **Armstrong Properties**, and agreed with the staff presentation. With the termination of the furniture business, the property owner needs to find something to do with the building. Last year they did a temporary fit while the Planning Director was coming up with the reFORM proposal. If time were not a factor, this change could probably wait for adoption of reFORM but this is a property that needs to be reused, and with the adoption of the Comprehensive Plan and with this type of adaptive reuse, making existing properties viable is important. He believes that the staff is supportive of this change coming prior to the adoption of the reFORM

package. This is the type of change that the community needs to support if we want to support productive reuse of existing commercial areas. This is appropriate, particularly in locations such as this where there is no impact on residential areas.

Katt also pointed out that when the City did its redevelopment projects on O Street, the zoning district selected was B-3. This is appropriate zoning for the property that will allow for continued revitalization and reuse of that building which is important for our community.

Beecham inquired about the “temporary fix” and whether the two driveways connect to each other. Katt responded that there is a long-standing relationship between the owners of those properties and they have several cross-easements, access and drives. In terms of long term, the agreements are not viable. That is why they are looking for a permanent solution. The good relationship between the long standing neighbors is anticipated to continue.

Corr inquired as to how many parking stalls are in the front and how many are in the back. Katt believes it is split about half and half.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

July 10, 2013

Hove moved approval, seconded by Beecham.

Corr stated that she will support this change of zone. It is kind of a no-brainer in that new development in the area has been zoned the same. This is a great fix to reutilize that building and make sure viable businesses stay in there.

Cornelius agreed. We heard that with our intended potential future use, B-3 is appropriate and it solves the problem of the current owner.

Motion for approval carried 5-0: Corr, Beecham, Hove, Sunderman and Cornelius voting ‘yes’; Lust, Scheer and Weber absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 13024
FOR THE EXPANSION OF A NONCONFORMING USE
and
STREET & ALLEY VACATION NO. 13001
TO VACATE PORTIONS OF RIGHTS-OF-WAY
GENERALLY LOCATED A SOUTH 6TH STREET AND J STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 10, 2013

Members present: Corr, Beecham, Hove, Sunderman and Cornelius; Lust, Scheer and Weber absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval of the special permit and a finding of conformance with the Comprehensive Plan on the street and alley vacation.

Staff presentation: **Christy Eichorn of Planning staff** presented this proposal for the TMCO site located just a few blocks to the southwest of the County-City building and very close to South Bottoms, which is a residential and historic district.

The portions of the streets proposed to be vacated are 10' along J Street; 10' along South 6th Street; and 17' along all of G Street until it meets up with 4th Street on the west. The purpose of the vacation is to facilitate the expansion of the TMCO property. This is a very unique site with a lot of different uses in close proximity.

The TMCO facility has been in our community for years and years and has continued to prosper. The Comprehensive Plan talks about focusing on retention and expansion of existing businesses and utilizing investments in existing infrastructure. We can do that by looking at areas with excess right-of-way, e.g. on J Street and 6th Street, there is 120' of right-of-way as well as 100' of right-of-way. There is room to both improve our streetscapes as well as help a local business grow.

With regard to the special permit, Eichorn explained that in the past, there have been street vacations which have created larger blocks out of smaller blocks. The required setback is 25' if on the same block as a residential zoning district. The TMCO business is on the same block as residential zoning so there is a need to adjust the setback to build to the lot lines. When you vacate the street and build up to the new lot line in the vacated right-of-way, there is a requirement for an additional 15' setback. Today they have a zero setback on 5th Street so this application will make it uniform. The purpose of the special permit for the expansion of a nonconforming use is to build a new building along the vacated right-of-way. TMCO is working with other local businesses in this expansion.

Beecham asked staff to address the part where the residences are located across the street. Eichorn stated that generally they would have a zero foot setback in the I-1 district if they had buildings that existed prior to 1979. Most of the TMCO buildings are built to the lot line. But as a couple of the streets were vacated previously, it became one large block. A 25' setback is required if the building is in the same block face within certain distance of residences. However, when the right-of-way is vacated, they still would not meet that 25' setback. This adjustment allows them to continue in the same way they have been expanding. Beecham confirmed that the residents face F Street away from the building. Eichorn concurred. The actual vacations and the special permit are further to the north. It does not change the lower corner of the TMCO property.

Eichorn also explained that they are requesting to vacate G Street to facilitate a parking lot because it is downtown and downtown is very cramped for parking. That will be a benefit for the community as well as TMCO. The parking lot, however, is not part of the special permit. They can build the parking lot by right.

Proponents

1. **Michael Rierden** appeared on behalf of the applicant, **TMCO**. He expressed appreciation to staff for their help on this project. TMCO is in agreement with all conditions of the special permit and the street vacation. They did receive one phone call with concern about there being some streets closed; however, he confirmed that there will be no street closures whatsoever. This will allow TMCO to meet increased business demands and retain their facility at the location it is today.

Corr indicated that part of her job on the Commission is to represent neighborhood associations. She knows that the Planning Department mails letters to property owners within 200'. She inquired whether the applicant has talked to the South Salt Creek Community Organization about this project. She knows that the special permit affects the area further away from the neighborhood, but pointed out that it is important to involve those neighborhood associations so they understand these projects. The applicant replied that they had not contacted South Salt Creek Community Organization. (**Amended on 7/24/13**)

Because this property is in a historic neighborhood, Corr inquired whether this proposal has any effects on historic preservation type situations. Based upon his knowledge of historic preservation, Rierden does not believe it has any impact on any historic designations in the area. Beecham acknowledged that this is not required to go before the Historic Preservation Commission, but she knows there have been times where projects adjacent to historic districts have been brought before the Historic Preservation Commission just to let them know what is going on.

There was no testimony in opposition.

SPECIAL PERMIT NO. 13024

ACTION BY PLANNING COMMISSION:

July 10, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Corr.

Corr stated that she will support this. As we have been learning with the reFORM project, it encourages us to build out and make these kinds of adjustments to setbacks. There is no issue, especially where these streets already have plenty of right-of-way.

Beecham stated that she appreciates the investment in the older part of the city. It is a great idea that the applicant reach out to the neighborhood associations on projects like this. Even something as small as a parking lot can have a big impact on someone living across the street.

Motion for conditional approval carried 5-0: Corr, Beecham, Hove, Sunderman and Cornelius voting 'yes'; Lust, Scheer and Weber absent. This is final action, unless appealed to the City Council within 14 days.

STREET & ALLEY VACATION NO. 13001

ACTION BY PLANNING COMMISSION:

July 10, 2013

Hove moved to approve a finding of conformance with the Comprehensive Plan, seconded by Corr and carried 5-0. : Corr, Beecham, Hove, Sunderman and Cornelius voting 'yes'; Lust, Scheer and Weber absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 1995A,

**AN AMENDMENT TO THE HUB HALL HEIGHTS COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED**

AT N.W. 48TH STREET AND W. HOLDREGE STREET.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 10, 2013

Members present: Corr, Beecham, Hove, Sunderman and Cornelius; Lust, Scheer and Weber absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval.

Staff presentation: **Tom Cajka of Planning staff** clarified that the proposed amendment has been changed since originally submitted and includes changing six single-family lots into eight townhouse lots and four single-family attached lots. Each one of the townhouses will be on their own lot. The area to the west is for future

commercial and the area to the east is for a future apartment complex, all of which has previously been approved.

The developer has agreed to some design standards recommended by staff for the townhomes – two-story with at least two windows facing the street and the garages will be set back a minimum of 20 feet. They have also agreed to have no access on the north side of Frazier Drive. That will enable some on-street parking because parking will be limited on the south side of Frazier Drive.

Cajka then discussed the waiver requests, most of which affect the townhouse lots. The property is zoned R-3 and does not allow multi-family except through a community unit plan, thus the waiver requests for reduction in lot area and lot width for the attached single-family lots. There is a request to reduce the front yard setback along Holdrege from 20' to 10'. Because these are double-frontage lots, they do not have a rear yard setback but two front yard setbacks. With Holdrege being extra wide right-of-way, there are plans for a bike trail on north side. Due to the additional right-of-way of 126', staff does not believe that the 10' reduction would have an adverse impact.

The bike trail will be like a wider sidewalk.

Beecham referred to the letter in opposition from Mr. Alder with concerns about the number of townhomes. She inquired whether there are going to be other areas of townhomes. Cajka stated that the rest of the subdivision is all single-family detached homes. The previous plan did not approve any townhouses. These are the only townhomes in this subdivision. The percentage of townhomes is pretty small compared to the whole development.

Proponents

1. **Derek Zimmerman**, 1248 O Street, Suite 600, appeared on behalf of the applicant and expressed appreciation to the staff for working with the developer. He agreed with the conditions of approval. He also confirmed that the number of townhouse units are minor and will not have an adverse impact on the neighborhood. These amendments are consistent with the goals of the Comprehensive Plan and meet the demands for this type of housing in the area.

Beecham inquired whether there has been any interaction with the homeowners association. Zimmerman was not aware of any contact with the homeowners association.

Corr inquired as to how much of this subdivision has been built out. Zimmerman stated that the apartment complex to the east is not built and the commercial development to the west is not yet built. He did not know about the single-family housing to the north.

Beecham wondered whether there has been any discussion about adding glass to the garages or the doors. She feels the design is very massive in terms of garage door, door, garage door, door. Zimmerman was not aware of any specifics relating to glass on the garage doors, but he suggested that it comes down to a cost consideration and the aesthetics. That is where the two-story came in addition to windows.

Corr inquired what the buildings will look like on the side facing Holdrege Street. Zimmerman stated that this development is similar to other types of townhomes located throughout the city. When people in the area are looking for certain design requirements, they are more interested in the side that faces them rather than the side facing the arterial street.

Corr referred to the rendering provided to the Commission, acknowledging that the site is pretty tricky; however, she does not believe the design looks very neighborhood-friendly. As we move to reFORM, this proposal does not appear to be very neighborhood-friendly. When she thinks of a row house, she thinks of those along Vine close to the University where they made them look like houses instead of garage doors. We want more neighborhood-friendly developments. Zimmerman reminded the Commission that reFORM is in the “draft” stages and the developers continue to work with the Planning Department on those types of situations.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

July 10, 2013

Hove moved to approve the staff recommendation of conditional approval, seconded by Sunderman.

Sunderman believes this is a good use of the land, especially considering the townhouses located between the apartment complex and the commercial to the east and west. He is comfortable with the design of the townhomes. It complies with our current standards. He pointed out that reFORM is a draft in process and we are a year or two away from finalization. We need to be careful how much of that draft product we bring forward into the actual approval process where regulations are in place right now.

Corr stated that she respects that it is in draft form, but she wants to get the word out that as we get closer, the developers should take it more into consideration.

Motion for conditional approval carried 5-0: Corr, Beecham, Hove, Sunderman and Cornelius voting ‘yes’; Lust, Scheer and Weber absent. This is final action, unless appealed to the City Council within 14 days.

There being no further business, the meeting was adjourned at 1:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on July 24, 2013.

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